IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESE

NT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 30367 of 1998

Between:

The District Cooperative Central Bank Ltd.,
rep. by its General Manager.
Medak at Sangareddy,

..... PETITIONER

AND

1. Sri M.A. Wahab, Son of late M.A. Sattar,
   aged about 59 years, Occu: Ex-Employee, H.No. 22-6-1015,

Irani Gally, Hyderabad-2.
2. The Labour Court-II,
   A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, particularly a writ in the nature of Certiorari, calling for the records relating to the order passed in M.P.No.13/96 dated 5-8-1998 on the file of the Labour Court-II, A.P., Hyderabad, and quash the same as being illegal and without jurisdiction.

Counsel for the Petitioner: MR.SRINIVASS GOUD

Counsel for the Respondent No.1: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.2: GOVERNMENT PLEADER FOR LABOUR (NOT PRESENT)

The Court made the following:

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O R D E R:

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This writ petition is filed by the petitioner-management against the award passed by the Labour Court in M.P.No.13 of 1996, dated 05-08-1998.

The first respondent was appointed as Supervisor of the petitioner-bank on 21-12-1967. While so, for certain misconduct, he was dismissed from service on 05-06-1976. Therefore, first respondent filed an appeal before the shops authority under Section 41 of A.P. Shops and Establishment Act and the same was allowed on 10-04-1978 by setting aside the dismissal, with continuity of service and full back wages. However, when the petitioner preferred second appeal before the Labour Court, the finding of the appellate authority was reversed on 22-05-1979. Aggrieved by the same, the first respondent-employee filed Writ Petition No.1709 of 1980 before this Court, and the same was allowed on 13-12-1985, upholding the order of the shops authority under Shops and Establishment Act. However, during the pendency of further appeal filed by the petitioner in W.A.No.237 of 1986, the first respondent was reinstated into service on 01-04-1986. The said writ appeal was also dismissed on 15-02-1988 and further review filed was also dismissed on 18-10-1986. Of course, after his reinstatement on 01-04-1986, a fresh enquiry was conducted and as the charges were proved, he was removed from service on 15-04-1989.

In the meanwhile, the first respondent filed M.P.No.13 of 1996 before the Labour Court-II, Hyderabad claiming arrears of wages for the period from 05-06-1976 to 31-03-1986. The petitioner-management filed a calculation memo before the Labour Court stating that the claim made by the first respondent that he is entitled to Rs.1,77,134-07 Ps was not correct and he is entitled only to Rs.1,55,080-84 Ps after deducting the FTA claim of Rs.18,053-23 Ps. The memo filed by the petitioner-management was accepted by the Labour Court and an award was passed directing the respondents to pay an amount of Rs.1,55,080-84 Ps within three months from the date of the order failing which the petitioner shall be entitled to recover the same from the respondents with simple interest at 12% per annum. Having conceded before the Labour Court and having filed a memo of calculation which was accepted by the Labour Court and award was passed, the present writ petition was filed by the petitioner-management. I am of the considered opinion that the writ petition is misconceived and the award passed by the Labour Court in M.P.No.13 of 1996 was made only on the basis of the petitioner-management filing the calculation memo. The petitioner, except saying that there was some delay in approaching the Labour Court by the respondent-employee, did not raise any substantial grounds. Therefore, the award passed by the Labour Court does not suffer from any infirmity or illegality and does not deserve interference at the hands of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is liable to be dismissed and is dismissed. No order as to costs.

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12-10-2004.

Lrkm.

To

1. The Presiding Officer,

Labour Court-II, A.P,Hyderabad.

2. Two CDs. to The Government Pleader for Labour, High Court

Buildings, High Court of A.P., Hyderabad (O.U.T)

3. 2 CD copies.